

THE SOCIAL CODES

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yet exist) never touch on this point. It is unseemly that any one should be burned at the stake in a modern civilized state. It is nothing to the purpose to show what a wicked wretch the victim was. Burning alive has long been thrown out of the folkways of our ancestors. The objection to reviving it is not an apology for the bad men or a denial of their wickedness: it is the goodness of the lynchers. They fall below what they owe to themselves.

Torture has also long been thrown out of our folkways. It might have been believed a few years ago that torture could not be employed under the jurisdiction of the United States, and that, if it was employed, there would be a unanimous outburst of indignant reprobation against those who had so disgraced us. When torture was employed in the Philippines no such outburst occurred. The facts and the judgment upon them were easily suppressed.

The recognition of Panama was unseemly. It was unworthy of the United States. It was defended and justified by the argument that we got something which we very earnestly wanted.

501. Good taste. Finally we may notice here also the matter of taste. Good taste is the most subtle of all the codes of judgment which are cultivated by the mores. What we now consider good taste was violated in the dramas of the Greeks and Romans. This is entirely aside from obscenity or vulgarity.

For instance, it does not appear that the author of the *Medea* appreciated the dastardly conduct of Jason. De Julleville¹ says that in the thirteenth century no one knew the distinction between good and bad taste. The assertion is fully justified. The medi-

aeval people may have had good taste in
architecture, stained
glass, and hammered iron (as we are told), but
their literature,
administration of justice, and politics show that
they lacked
good taste, and also the case shows what a high
protection
against folly and error good taste is. This last
office it shares
with the sense of humor. The sports of that age
were cruel.
People found fun in the sufferings of the weak
under derision
and abuse. " The Middle Ages did not shrink from
presenting
as funny situations which were painful or
atrocious, the horror
of which we to-day could not endure/" Although
the age was

¹ *Comedie en France au M. A.*, 21.